

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

CALEB CRAIG JACKSON,

Plaintiff,

v.

CITY OF SEATTLE; SEATTLE POLICE  
DEPARTMENT; OFFICER S. MARTINELL;  
OFFICER HUGHEY; OFFICER S. SMITH;  
OFFICER S. KAFFER; OFFICER D.  
CONINE; OFFICER M. WOODRUFF; and  
JOHN DOES 1-10,

Defendants.

NO. C08-1085RAJ

DECLARATION OF OFFICER  
DANIAL CONINE

I, Danial Conine, hereby declare as follows:

1. I am over the age of 18 years, make this Declaration based on personal knowledge, and am competent to testify to the facts contained herein.

2. I am a police officer employed by the Seattle Police Department.

3. On June 27, 2006 I was working patrol in full uniform in an unmarked van with Officer Kaffer and Department of Corrections Officer Mike Woodruff in the city of Seattle. I was driving the van northbound on Rainier Avenue South and there was a blue, four-door Honda Accord directly in front of us. At approximately 0055 hours, as we approached the intersection

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3019-029672 287626

**STAFFORD FREY COOPER**

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1 of South Othello Street, the light turned green for northbound traffic to turn left on to Othello.  
2 The Honda began to slowly turn left and I saw the rear seat passenger point what appeared to be  
3 a handgun from the open rear passenger side window directly at a black male standing on the  
4 northwest corner of the intersection. I was certain that we were witnessing a drive-by shooting,  
5 but I did not see the pedestrian fall or appear to be shot.

6 4. As the Honda completed its turn on to eastbound South Othello Street I followed  
7 and activated the emergency lights and sirens. The lights are located in the grill and above the  
8 rearview mirror. The vehicle turned right on 48<sup>th</sup> Avenue South and began to accelerate  
9 northbound. We called for back-up to assist in a high-risk felony stop. The vehicle was not  
10 traveling at a high rate of speed, but it was clear to me that he did not intend to stop. The vehicle  
11 then turned right on to South Garden Street, accelerated again, then came to an abrupt stop  
12 before once again reaching Rainier Avenue South.

13 5. As we got out of the van other police vehicles began to arrive. We held the  
14 occupants at gunpoint in the vehicle until we were prepared to place them under arrest. We  
15 ordered the occupants out of the vehicle one at a time and ordered them to lie on the ground.  
16 Each of the occupants got out and lied on the ground. I was not personally involved in arresting  
17 or handcuffing any of the suspects.

18 6. Once all three of the occupants had been placed under arrest, we searched the car  
19 and found one paint ball gun on the back seat and one on the floor of the rear passenger  
20 compartment. We found a BB pistol in the unlocked glove box. We found paint ball gun  
21 ammunition on the back seat and extra BBs on the front seat.

22 7. The driver, identified as Caleb Jackson, was arrested for refusal to stop and  
23 weapons in public places. Leonard was arrested for weapons in public places and harassment.

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1 The third occupant, Ernest Richardson, was arrested on an outstanding criminal warrant. All  
2 three were booked in to the King County Jail.

3 I declare under penalty of perjury under the laws of the State of Washington and of the  
4 United States that the foregoing is true and correct.

5 EXECUTED at SEATTLE, Washington this 9 day of JANUARY 2009.

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8 DANIAL CONINE

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DECLARATION OF OFFICER DANIAL CONINE - 3

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Certificate of Service

I certify that on the date noted below I electronically filed this document entitled DECLARATION OF OFFICER DANIAL CONINE with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following persons:

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*Attorneys for Plaintiff Caleb Craig Jackson*

DATED this 29<sup>th</sup> day of April, 2009, at Seattle, Washington.

/s/ Karen L. Cobb via ECF

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